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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

Oscar Ramos,) Case Number 2:24-cv-00531-DJC-JDP
Plaintiff,)
Vs.)
Angelica Barron, et al.,) PLAINTIFF'S MOTION FOR
Defendants.) ADMINISTRATIVE RELIEF
) FROM SERVICE DEADLINE (Local Rule
) 233), and PROPOSED ORDER

WHEREAS, on February 20, 2024, Plaintiff filed the instant action alleging claims under Title III of the Americans With Disabilities Act of 1990 and parallel California law (Docket #1), and on February 21, 2024, an Initial Case Management Order was issued (Docket #3), and the Order required that all defendants be served with the complaint no later than May 20, 2024; and

WHEREAS, as part of the pre-filing investigation, plaintiff's counsel determined that the real property that is the subject of this lawsuit is held in the name of defendant Alicia M. Fernandez; and

WHEREAS, plaintiff has served defendant Angelica Barron on February 27, 2024, and filed proof on March 22, 2024; and

WHEREAS, on April 23, 2024, the Court entered the default of defendant Angelica Barron (Docket #7); and

WHEREAS, on April 23, 2024, the Court declined to enter the default of defendant Alicia M. Fernandez (Docket #8); and

1 WHEREAS, on April 24, 2024, defendant Angelica Barron, with telephone 707-442-9369,
2 contacted plaintiff's counsel by phone, indicating the following: (1) defendant Alicia M. Fernandez
3 is deceased; (2) Angelica Barron pays the monthly rent to the children of Alicia M. Fernandez
4 (whom she did not identify by name); (3) the children of Alicia M. Fernandez are presently in
5 Mexico; (4) the children of Alicia M. Fernandez are aware of this lawsuit; (5) Angelica Barron will
6 speak to the children of Alicia M. Fernandez about this lawsuit; and

7 WHEREAS, on May 7, 2024, plaintiff and his counsel met in person with defendant
8 Angelica Barron and a person who purports to speak informally on behalf of the representative of
9 the estate of Alicia M. Fernandez, one Yesenia Barajas (see supporting declarations of plaintiff
10 Oscar Ramos and attorney Richard A. Mac Bride); and

11 WHEREAS, I personally went to the Clerk/Recorder office of Solano County in Fairfield,
12 California to investigate whether there is a death certificate on file for Alicia M. Fernandez, and did
13 not find any such death certificate on file in Solano County; and

14 WHEREAS, if it is true that Alicia M. Fernandez is deceased, then it is possible that Alicia
15 M. Fernandez died in a different jurisdiction (inside or outside the United States), and a death
16 certificate would be on file in that jurisdiction, and if a probate is open in some other jurisdiction, a
17 private investigator may be able to ascertain that information; and

18 WHEREAS, in the light of the information learned from defendant Angelica Barron and
19 Yesenia Barajas on May 7, 2024, plaintiff needs more time to conduct such investigation;

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NOW, THEREFORE, plaintiff respectfully requests that he be given an additional sixty (60) days, until July 20, 2024, to continue to conduct his investigation and possibly conduct discovery (if necessary) to ascertain the name(s) of the successor owner that owns the subject real property, and then file a first amended complaint, if necessary, and serve the amended summons and complaint, as appropriate. No such relief has been requested before in this case.

Under penalty of perjury by Richard A. Mac Bride with respect to those assertions that are based on personal knowledge.

Dated: May 12, 2024

/s/ Richard A. Mac Bride

RICHARD MAC BRIDE

ATTORNEY FOR OSCAR RAMOS

ORDER

Upon request of Plaintiff for administrative relief, and good cause appearing,

IT IS HEREBY ORDERED that, in the matter of Ramos v. Barron et al., 24-0531 DJC, the Scheduling Order in this matter filed February 21, 2024 (ECF No. 3) be amended to continue the last day by which Plaintiff must serve the complaint on the successor in interest to deceased defendant Alicia M. Fernandez, or to dismiss her without prejudice from the action, from May 20, 2024 to July 20, 2024.

IT IS SO ORDERED.

Dated: May 17, 2024

/s/ Daniel J. Calabretta

THE HONORABLE DANIEL J. CALABRETTA
UNITED STATES DISTRICT JUDGE